

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION**

LEVI WHITE,

CASE NO.:

Plaintiff,

v.

DIVERSIFIED CONSULTANTS, INC.,

Defendant.

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**NOTICE OF REMOVAL**

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PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1331, 1441, 1446, Defendant Diversified Consultants, Inc. (“DCI”) files this Notice of Removal of the action entitled *Levi White v. Diversified Consultants, Inc.*, Case No. 2017M04618, from the Magistrate Court of Richmond County, State of Georgia (“State Court Action”), to the United States District Court for the Southern District of Georgia, Augusta Division. In support of this Notice of Removal, Defendant DCI states the grounds for removal as follows:

1. On December 18, 2017, Plaintiff Levi White (“Plaintiff”) filed a Statement of Claim (the “State Court Statement of Claim”) in the Magistrate Court of Richmond County, State of Georgia, assigned case number 2017M04618, naming DCI as Defendant and requesting relief under the Telephone Consumer Protection Act (“TCPA”) under 47 U.S.C. §227 against DCI. (State Court Statement of Claim, pg. 1) A true and correct copy of Plaintiff’s State Court Statement of Claim is attached hereto as Exhibit “A”.

2. Summons in the State Court Action for the State Court Statement of Claim was issued and service was made on DCI, on January 16, 2018 via process server. The Summons for

Defendant for the State Court Statement of Claim is included in the Statement of Claim attached hereto as Exhibit “A”.

3. This Notice is being filed within thirty (30) days after DCI first received a copy of the State Court Statement of Claim, which constitutes “the initial pleading setting forth the claim for relief upon which [this] action or proceeding is based.” *See* 28 U.S.C. § 1446(b)(1).

4. The State Court Statement of Claim is the only document that has been filed by the Plaintiff in state court, and the Summons and State Court Statement of Claim are the only “process, pleadings, and orders served upon” DCI. *See* 28 U.S.C. § 1446(a).

5. Removal of the TCPA claim is proper pursuant to 28 U.S.C. § 1441(a) because this Court would have original jurisdiction over such claim under 28 U.S.C. § 1331. Federal jurisdiction may be invoked to vindicate a right or privilege claimed under a federal statute. *Pacheco de Perez v. AT & T Co.*, 139 F.3d 1368, 1375 (11th Cir. 1998) (*citing People of Puerto Rico v. Russell*, 228 U.S. 276 (1933)).

6. This Court is the appropriate venue because the Southern District of Georgia, Augusta Division is the “district court of the United States for the district and division embracing [Richmond County,] where the [State Court Action] is pending.” *See* 28 U.S.C. § 1441(a).

7. Promptly after the filing of this Notice, Defendant shall “give written notice thereof to all adverse parties and shall file a copy of the notice with the clerk [of court for the State Court Action].” *See* 28 U.S.C. § 1446(d).

8. By filing this Notice of Removal, Defendant does not waive any defenses, objections, or motions under state or federal law, and expressly reserves its right to move for dismissal of some or all of Plaintiff’s claims. Defendant also hereby reserves the right to amend or supplement this Notice of Removal.

WHEREFORE, Defendant hereby provides notice and respectfully removes the State Court Action from the Magistrate Court of Richmond County, State of Georgia, to the United States District Court for the Southern District of Georgia, Augusta Division, pursuant to 28 U.S.C. §§ 1331, 1441, 1446. Should any question arise as to the removal of this matter, Defendant respectfully requests an opportunity to provide additional briefing and oral argument as to why removal is proper.

Dated: February 2, 2018

Respectfully submitted,

**/s/DuAnn Cowart Davis**

DuAnn Cowart Davis, Esq.

Georgia State Bar No. 191899

DuAnn Cowart Davis, P.C.

108 North Main Street Suite B

P.O. Box 415

Reidsville, GA 30453

Tel: (912) 257-4247

Fax: (912) 228-4530

[duann@duanncowartdavis.com](mailto:duann@duanncowartdavis.com)

*Attorney for Diversified Consultants, Inc.*

*Of Counsel to Victus Law*

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing has been filed with the Clerk of Court via CM/ECF and is being served this 2nd day of February, 2018, on the following parties, at the following addresses, in the following form:

Via first-class U.S. Mail,

Postage pre-paid:

Levi White

420 E. Boundary St., Apt. H-203

Augusta, GA 30901

*Pro Se Plaintiff*

**/s/DuAnn Cowart Davis**

DuAnn Cowart Davis, Esq.